

REMARKS/ARGUMENTS

Claims 1-14 remain pending in this application and stand rejected. Claims 3, 8 and 11 stand rejected under 35 U.S.C. 103(b) as being unpatenable over Bishop ('140) in view of Takayama ('899). Applicants respectfully traverse the rejections of claims 1-14 for at least the following reasons. Claims 1, 3, 4-6 and 9-11 are amended above to clarify their respective languages.

As pointed out correctly by the Examiner, Bishop fails to teach or suggest concurrent operations of "detecting..." and "reviewing..." as recited, in part, in claim 3. Takayama is cited as disclosing electronic part inspection operation of detecting and reviewing concurrently. As best understood, Takayama describes inspection by scanning the full sample, performing various calculations to deduce defects, and then saving the defect image information. Takayama attempts to save time by extracting both inspection and review information from images taken in one step.

To the extent that Takayama appears to extract both inspection and review information from images taken in one step, Takayama teaches away from performing concurrent operations of "detecting a first defect", "detecting a second defect", and "reviewing....the first defect, wherein the detection of the second defect is performed concurrently with the review of the first defect ", as recited in claim 3. In other words, in Takayama, review of the first detected defects does not occur concurrently with the detection of the second defect. Therefore, Bishop, whether taken alone, or in combination with Takayama fail to teach or suggest claims 3 or 11.

Furthermore, no motivation exists to combine Bishop with Takayama. Bishop uses the same apparatus at difference magnifications and at different times to obtain optical scans of an object so as to acquire low and high resolutions of the object. Takayama, on the other hand, uses the same scan to capture images in one step, and to subsequently extract both inspection and review information from those images. Because Takayama is directed at extracting inspection and review information from images taken during the same scan using the same magnification, Takayama teaches away from Bishop which is directed at performing a number of optical scans at different magnifications and at different times. Hence, the requisite motivation to combine

Takayama with Bishop is lacking. Claims 3 and 11 are thus allowable over Bishop in view of Takayama for at least the above reasons. Claims 4-8 are dependent from claim 3 and are thus allowable for at least the same reasons as is claim 3. Likewise, claims 12-14 are dependent from claim 11 and are thus allowable for at least the same reasons as is claim 11.

Claims 1 and 9 are rejected (page 11 of the Office Action) as being unpatentable over Bishop ('140) in view of Takayama ('899) and Yaroslavsky (US pub no 2003/0118245). Yaroslavsky is applied by the Examiner to the limitation "automatic focus imaging". Applicants submit that contrary to the Examiner's assertions, Claims 1 and 9 do not recite "automatic focus imaging". Claims 1 and 9 are allowable for at least the same reasons as are claims 3 and 11. Claim 2 is dependent from claim 1 and is thus allowable for at least the same reasons as is claim 1. Likewise, claim 10 is dependent from claim 9 and is thus allowable for at least the same reasons as is claim 9.

Claims 4 and 5 are allowable over Bishop, in view of Takayama and further in view of Fukushima for at least the following additional reasons.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (MPEP § 2143). Applicants submit that no motivation exists to combine Fukushima with Bishop and Takayama to arrive at claims 4 and 5 of the present invention. Bishop fails to disclose, among other elements "minimizing distance traveled by said defect review", as properly pointed out by the Examiner. Fukushima, on the other hand, is directed at route setting in a navigation system, and does not even mention "inspection of flat patterned media". Motivation to combine Bishop with Takayama Fukushima is simply lacking.

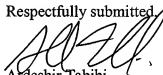
Claims 12 and 13 are allowable over Bishop and Takayama, and further in view of Gilliland for at least the following additional reason. In Gilliland, the first gantry can only move along AA' direction, and the second gantry can only move along the second direction. Accordingly, in Gilliland, the first and second gantries are not adapted to move "along a same

Appln. No. 10/688,326
Amdt. dated March 27, 2007
Reply to Office Action of January 9, 2007

PATENT

direction", as recited, in part, in claims 12 and 13. Claims 12 and 13 are thus allowable for this additional reason. As stated above, claim 14 is allowable for at least the same reasons as is claim 11. Claim 14 is also allowable for at least the same for the same reasons as are claim 4, 5.

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 752-2424.

Respectfully submitted,

Ardeshir Tabibi
Reg. No. 48,750

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
AT:deh
61015429 v1